

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

(name of governing body)

Washington State Liquor Control Board

(agency name, if applicable)

Resolution No. 71

Administrative Order No. 62

(1) Be it resolved by the Washington State Liquor Control Board acting at Capitol Plaza Building, 1025 E. Union Avenue, Olympia, Washington, (place) that it does promulgate and adopted the annexed rules relating to:

WAC 314-20-100 BEER WHOLESale PRICE POSTING (Rule 49)

WAC 314-24-190 WINE WHOLESale PRICE POSTING (Rule 81)

(OVER)

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.
Continuation, WSK/78-02-016
This action is taken pursuant to Notice No. WSK/78-02-016 filed with the code reviser on 1-11-78. Such rules shall take effect: WAC 314-52-070, -080, -090, -111, -113, and -120
X pursuant to RCW 34.04.040(2); WAC 314-20-100 and 314-24-190 shall take effectX at a later date, such date being 7-1-78.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.
We, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04 (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency)
has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board

(agency)
as authorized in RCW 66.08.030, RCW 66.08.060, RCW 66.98.070 and Title 34 RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

STATE OF WASHINGTON, being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED January 19 1978

JAN 20 1978

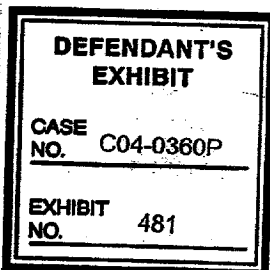
CODE REVISER'S OFFICE

DOCKET # FILE #
WSR 78-02-056

By L. H. PEDERSEN
Chairman

Resp to Costco RFP
3919

Title
[Form CR-B: Effective 12/1/77]



TX481-001

NOTE:

RCW 34.04. (1977 c 19 § 2) provides:
(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:
(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute."
(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."
(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule making authority— either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW _____.
(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.
(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

WAC 314-52-070 OUTDOOR ADVERTISING (Rule 122)

WAC 314-52-080 NOVELTY ADVERTISING (Rule 123)

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALERS, PROHIBITED (Rule 124)

WAC 314-52-111 ADVERTISING BY RETAIL LICENSEES--ON PREMISES (Rule 126.1)

WAC 314-52-113 BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES (Rule 126.3)

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G OR J RETAIL LICENSES (Rule 126.6)

STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD

Administrative Order No. 62

STATEMENT OF PURPOSE AND IMPLEMENTATION

I. TITLE:
NAME OF AGENCY: WASHINGTON STATE LIQUOR CONTROL BOARD

DESCRIPTION OF RULES:

WAC 314-20-100 and WAC 314-24-190 govern the posting of wholesale prices by beer and wine wholesalers. WAC 314-52-070, -080, -090, -111, -113, and -120 relate to the various forms and location of liquor advertising.

STATUTORY AUTHORITY: RCW 66.08.030, RCW 66.08.060, RCW 66.98.070, and Title 34 RCW.

II. SUMMARY OF RULES:

WAC 314-20-100 and WAC 314-24-190 are amended to eliminate identification cards for platform delivery, and to provide that beer and wine wholesalers may sell beer and wine to retail licensees for delivery either at the retailer's premises or the wholesaler's loading dock. The rule further provides that a wholesaler's prices to retail licensees shall be the same at both places of delivery. WAC 314-52-070 is amended to clarify the references to outdoor signs and advertising matter. WAC 314-52-080, concerning novelty advertising, deletes the reference to recipe booklets, prohibits specified liquor suppliers from providing novelty advertising items to retail licensees, but permits non-liquor suppliers to sell such items to retail licensees for use, distribution or sale on the licensed premises. WAC 314-52-090, concerning joint advertising, adds importers within its terms. WAC 314-52-111 permits on-premises advertising by retail licensees under specified conditions. WAC 314-52-113 authorizes suppliers to furnish brand signs and point-of-sale material to retail licensees under certain conditions and broadens point-of-sale material to include table tents, recipes, and other such brand advertising material for display at the point of sale. WAC 314-52-120 clarifies the language relating to advertising by holders of Special Occasion Retail Licenses.

III. In addition to the Board, the following agency personnel have responsibility for drafting, implementing and enforcing these rules:

<u>NAME</u>	<u>TITLE</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
I.W. (Bob) Hilson	Supervisor, MFG/IMP/WHLSR Division	Capitol Plaza Bldg. Olympia, WA	753-6282
Dean Turner	Chief Enforcement Officer	Same	753-6270
Doug Alexander	Information Officer	Same	753-6276
Jewell Owens	Advertising Coordinator	Same	753-6278
Arthur Mickey	Asst. Attorney General	Same	753-6284

- IV. Dave Stipek, representing the Joint Council of Teamsters, opposed the amendments to WAC 314-20-100 and WAC 314-24-190. Phillip Kochevar, Albert W. Irvine, Al Roth, Jr., Coke Roth, Joe Krause, Chester O. Fiedler, John H. Van Gasken, Gary Dennis, Fred Ryan, Fred Ryan, Jr., Kenneth W. Bennett, Gloria J. Hamstad, Duane L. Sampson, Mick Blackburn, James D. Gardner, Patrick W. Hewitt, Robert Schaefer, Gerald Junt, and O. T. Seifert, Jr. opposed the proposed changes to the novelty advertising rule WAC 314-52-080. It should be pointed out that this opposition was prior to the Board's further amendment to this rule at the hearing. Gene A. Ford, Ken Cloutier, Gilbert B. Breimeister, Stanley M. Levine, Mark B. Levine, and Hal Wolfe favored the proposed changes to the rule.

SUBMITTED in accordance with Chapter 84, Laws of 1977, 1st Ex. Sess., this 19th day of January, 1978.


Chairman

AMENDATORY SECTION (Amending Order 54, filed 5/24/77)

WAC 314-20-100 BEER WHOLESALE PRICE POSTING (Rule 49).

(1) Every beer wholesaler shall file with the Board at its office in Olympia a price posting showing the ~~((delivered))~~ wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) No price posting shall become effective until fifteen days after the actual filing thereof with the board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.

(3) Each price posting shall be made on a form prepared and furnished by the board and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The ~~((delivered))~~ wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(4) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(5) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(6) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(7) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with ~~((Regulation-(49-5)))~~ WAC 314-20-105 (Rule 49.5), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and ~~((Regulation-(49-5)))~~ WAC 314-20-105 (Rule 49.5).

(8) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(9) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(10) ((A retail licensee at his option and upon payment of the posted delivered price as defined in Regulation (49), may take delivery of beer at the platform of a beer wholesaler, provided that such platform delivery shall be made only upon presentation to the beer wholesaler, at the time such delivery, of a special identification card issued by the board to the retail licensee.

Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of beer, and the name of the adult person or persons authorized by the retail licensee to take delivery of said beer. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of beer to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.)) Any beer wholesaler or employee authorized by his wholesaler employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both such places of delivery.

AMENDATORY SECTION (Amending Order 54, filed 5/24/77)

WAC 314-24-190 WINE WHOLESALE PRICE POSTING (Rule 81).

(1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the ~~((delivered))~~ wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the fifteenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of a price posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the twentieth day of the month in order to become effective on the first day of the next calendar month.

(3) Filing Date Exception--Whenever the fifteenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in ~~((Regulation-66))~~ WAC 314-24-080 (Rule 66).

(b) The ~~((delivered))~~ wholesale prices thereof within the state, which prices shall include the state wine gallonage tax of seventy-five cents per gallon imposed under RCW 66.24.210.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with ~~((Regulation-82))~~ WAC 314-24-200 (Rule 82), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect

Immediately: PROVIDED, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with ((Regulation-(82))) WAC 314-24-200 (Rule 82).

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) ((A retail licensee, at his option, and upon payment of the posted delivered price as defined in Regulation-(81), may take delivery of wine at the platform of a wine wholesaler, provided that such platform delivery shall be made only upon presentation to the wine wholesaler, at the time of such delivery, of a special identification card issued by the board to the retail licensee.

Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board of an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of wine, and the name of the adult person or persons authorized by the retail licensee to take delivery of said wine. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of wine to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.)) Any wine wholesaler or employee authorized by his wholesaler-employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both places of delivery.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-070 OUTDOOR ADVERTISING. (Rule 122). (1) "Outdoor advertising" as used in these regulations shall include any form of advertisement of liquor or the service of liquor which is visible to the general public from a public thoroughfare; PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple-faced, stationary or revolving; PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in ((these-regulations)) WAC 314-52-113 (Rule 126.3).

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee or applicant for board consideration prior to installation; PROVIDED, HOWEVER, That outdoor readerboard messages and/or interior signs visible through a window of a premises will be in conformance with WAC 314-52-015 (Rule 116.5) and will be submitted to the local Liquor Control Board enforcement officer for approval prior to display. In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, playfields used primarily by minors, or other public institutions, nor any place which the board in its discretion finds contrary to the public interest; PROVIDED, HOWEVER, That exceptions approved under the provision of RCW 66.24.010(9) shall apply here.

(6) Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public, upon prior approval of the board.

(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail; except that where the licensed premises (other than Class H) occupies a part or all of the first floor of a multi-storied building, then a billboard or poster-type ad((s)) for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance: PROVIDED, HOWEVER, That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-080 NOVELTY ADVERTISING. ((PROHIBITED)) (Rule 123).
((No-liquor-trade-name-or-the-name-of-a-manufacturer-of-any-liquor shall-be-used-in-connection-with-any-novelty-advertising-for-use, sale-or-distribution-on-retail-licensed-premises---Such)) (1) Novelty

advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, coupons, ((recipe booklets,)) lamp shades, program folders, program cards, or similar ((articles)) items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted. ((The foregoing shall not prohibit a retail licensee from listing the brand names and prices of liquor he serves on menus, table tents, and upon a sign placed on or above the back bar as permitted by WAC 314-52-111.))

(2) No liquor manufacturer, wholesaler, or importer, or employee thereof, shall provide directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept any novelty advertising items directly or indirectly, from any liquor manufacturer, wholesaler, or importer, or employee thereof.

(3) A non-liquor manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The purchase shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALERS ((OR-MANUFACTURER)), PROHIBITED. (Rule 124). (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler, nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: PROVIDED, That a retail licensee((s)) may advertise brands of beer and wine under the conditions of WAC 314-52-112 and WAC 314-52-113((1)). (2) ((WAC-314-44-020(4)-and)) RCW 66.28.010 shall also apply to joint advertising insofar as ((they-are)) it is relevant.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-111 ADVERTISING BY ((CLASS-H)) RETAIL LICENSEES--ON PREMISES. (Rule 126.1). All regulations heretofore listed shall ((apply-to)) govern advertising by ((Class-H)) on-premises licensees such as Class A, B, C, D, and H licensees ((insofar-as-they-are-relevant)).

(1) Since the prerequisite for a Class H license is the service of complete meals, any advertisement by a Class H licensee which makes a direct reference to liquor or to the service of liquor shall mention with equal emphasis that food is available. For the purpose of clarification, use of such words as bar, barroom, drinks and cocktails in an advertisement is interpreted as a direct reference to liquor or the service of liquor; use of such words as dinners, lunches, steak special, seafood dinners, and restaurant ((are)) is interpreted as a reference to the availability of complete meals.

(2) Filled containers of wine or beer ((may)) shall not be used for display purposes on dining room tables.

(3) Bona fide restaurants holding either a Class C or ((public)) Class H license may display wine bottles in or near dining rooms of their premises ((--PROVIDED, That no fewer than two brands of wine secured from no fewer than two manufacturers may be displayed--For the purpose of clarification, two or more brands from the same manufacturer will not be considered as meeting the foregoing requirement)).

(4) ((Bona fide restaurants holding either a Class C or a public Class H license)) Retail licensees may advertise on their premises with the retail licensee's trade name the brands ((name)) of ((wines sold in carafes or by the glass)) liquors offered for sale on menus, wine lists, back bar signs, wall placards, and table tents; provided said advertising material is paid for by said retail licensee ((PROVIDED, HOWEVER, When the name of a manufacturer, importer or wholesaler appears as part of the advertising, the retailer shall retain supplier invoices marked "paid" on premises for two years to show proof of purchase by the retailer)).

(5) ((Signs may be placed on or above the back bar listing the brands of spirituous liquors being served when no specific brand is ordered by the customer--Such signs, if used, shall be furnished by the licensee.

(6)) One ((single-faced)) sign bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrance(s) to the premises or placed so as to be visible from the principal thoroughfare. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only. ((No advertisements shall be installed at or near doorways designed for exit purposes only.))

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-113 ((RETAIL LICENSEES, OTHER THAN CLASS-H,))
BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES.
(Rule 126.3). ((Retailer brand signs and point-of-sale displays shall be permissible under the following conditions:

(1)--Manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the provisions of RCW 66.28-010 and WAC 314-12-140, PROVIDED, The brand signs and point-of-sale material have no value to the retailer except as advertisement. Such signs and material shall remain the property of and be the responsibility of, the manufacturers, importers or wholesalers and shall be removed from the licensed premises when replaced by other brand signs and/or point-of-sale material, the sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.)) Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 (Rule 124) and WAC 314-12-140 (Rule 13), manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers; such signs and material shall be removed from the licensed premises when sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.

(2) No retail licensee shall put or keep on display in any place on the licensed premises any signs or point-of-sale material advertising ~~((beer, ale and/or wine))~~ alcoholic beverages unless the ~~((beers, ales and/or wines))~~ alcoholic beverages so advertised are actually then available for sale on such premises; PROVIDED, That this restriction shall not apply when ~~((beer, ale or wine))~~ alcoholic beverage stocks are temporarily depleted.

(3) The term "display" as used herein, shall mean the exhibition of beer, ale or wine containers and cases, or bottles or cans outside of cases, together with advertising material, the purpose of which is to advertise such products to the prospective purchasers on the premises.

(4) The term "case display" as used herein, shall mean beer, ale or wine in cartons or cases only. A handi-pack is included in the term "carton."

(5) The term "point-of-sale material" as used herein, shall ~~((mean))~~ include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information ~~((booklets))~~ pamphlets, bottle hangers and ~~((any))~~ other ~~((type-of))~~ such brand advertising material for display at the point of sale ~~((material not specifically listed herein))~~.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G ~~((7))~~ OR J ~~((OR-K))~~ RETAIL LICENSES. (Rule 126.6). (1) Advertising by holders of Special Occasion Class G ~~((7))~~ or J ~~((or-K))~~ Retail Licenses who use public facilities or licensed club facilities, under the provisions of WAC 314-40-080(3), for charitable, civic, community or private functions, shall be limited to the sale or service of such liquor as is authorized for sale by the Special Occasion Retail License held and shall be ~~((limited))~~ governed by such other regulations ~~((as apply))~~ applicable to ~~((other))~~ retail licensees.

(2) Illegal advertising at any time during the past five years, while holding a Special Occasion Retail License, may be cited as sufficient reason to deny a subsequent application for a license by a charitable, civic, community or private organization.

NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES

(Instructions for completion on back of page)
(Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030 that the Washington State Liquor Control Board (name of agency) intends to adopt, amend, or repeal rules concerning:

WAC 314-20-100 BEER WHOLESALE PRICE POSTING (Rule 49)

WAC 314-24-190 WINE WHOLESALE PRICE POSTING (Rule 81)

The terms and substance of the above proposed amended rules are set forth on Attachment A.

(OVER)

(HEARING DATE AND PLACE)		
(2) (Use only if hearing is to be held) that such agency will at		
<u>9:30 a.m.</u>	<u>Thursday</u>	<u>January 19, 1978</u>
(time)	(day)	(date)
in the <u>Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg.</u>		
<u>1025 East Union Avenue</u>	<u>Olympia, Washington 98504</u>	
(place)		
conduct a hearing relative thereto;		

(3) and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m. Thursday January 19, 1978 in the (Same as above) (time) (day) (date) (place)

(4) The authority under which these rules are proposed is: RCW 66.08.030, RCW 66.08.060, RCW 66.98.070 and Title 34 of RCW

(5) Interested persons may submit data, views, or arguments to this agency —

(a) ☒ in writing to be received by this agency prior to January 19, 1978 and/or (date)

(b) ☒ orally at 9:30 a.m. Thursday January 19, 1978, (time) (day) (date)

(Same as above)

(place)

(6) The additional notice required by RCW 34.04.025 has been made by mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings.

(7) This notice is connected to and continues the matter noticed in Notice Nos. 7921 filed with the code reviser's office on December 13, 1977 (date)

Washington State

Liquor Control Board
(AGENCY)

Dated: January 10, 1978

By: L. H. PEDERSEN
L. H. PEDERSEN
Chairman
(TITLE)

STATE OF WASHINGTON
FILED
JAN 11 1978
CODE REVISER'S OFFICE
DOCKET # _____ FILE # _____
NOTICE # <u>WSK 78-02-016</u>
(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971: consult chapter 42.30 RCW.

[Form CR-1: Rev. 12/1/77]

Resp to Costco RFP
3931

TX481-013

INSTRUCTIONS FOR COMPLETION OF FORM CR-1

NOTES:

- ¹Here cite additional statutes (if any) requiring notice by the rule making agency.
- ²Here insert a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved (cf. *State v. Squally*, 78 Wn2d 475, 474 P2d 897).
- ³The statute requires 20 days notice from the distribution date of the register in which this notice will appear, see RCW 34.04.025, 34.04.027, and 34.08____ (1977 1st ex.s. c 240 § 3) and WAC 1-12-030(5) and 1-12-035.
- ⁴This date may not be earlier than that noted in; see RCW 34.04.025 and WAC 1-12-030(5).
- ⁵Use for continuance of matter previously noticed and enter here notice numbers of notice previously returned to you by reviser's office.

This space for additional information.

- WAC 314-52-070 OUTDOOR ADVERTISING (Rule 122)
- WAC 314-52-080 NOVELTY ADVERTISING (Rule 123)
- WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALERS, PROHIBITED (Rule 124)
- WAC 314-52-111 ADVERTISING BY RETAIL LICENSEES--ON PREMISES (Rule 126.1)
- WAC 314-52-113 BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES (Rule 126.3)
- WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G OR J RETAIL LICENSES (Rule 126.6)

The terms and substance of the above proposed amended advertising rules are set forth on Attachment B.

ATTACHMENT A

AMENDATORY SECTION (Amending Order 54, filed 5/24/77)

WAC 314-20-100 BEER WHOLESALE PRICE POSTING (Rule 49).

- (1) Every beer wholesaler shall file with the Board at its office in Olympia a price posting showing the ~~((delivered))~~ wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.
- (2) No price posting shall become effective until fifteen days after the actual filing thereof with the board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.
- (3) Each price posting shall be made on a form prepared and furnished by the board and shall set forth:
 - (a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.
 - (b) The ~~((delivered))~~ wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.
- (4) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.
- (5) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.
- (6) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.
- (7) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with ~~((Regulation-(49-5)))~~ WAC 314-20-105 (Rule 49.5), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and ~~((Regulation-(49-5)))~~ WAC 314-20-105 (Rule 49.5).
- (8) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(9) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(10) ((A retail licensee at his option and upon payment of the posted delivered price as defined in Regulation (49) may take delivery of beer at the platform of a beer wholesaler, provided that such platform delivery shall be made only upon presentation to the beer wholesaler at the time such delivery of a special identification card issued by the board to the retail licensee.

Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board an annual fee of five dollars for each such special identification card. -- Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of beer, and the name of the adult person or persons authorized by the retail licensee to take delivery of said beer. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. -- No wholesaler shall permit delivery of beer to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. -- Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.)) Any beer wholesaler or employee authorized by his wholesaler employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

AMENDATORY SECTION (Amending Order 54, filed 5/24/77)

WAC 314-24-190 WINE WHOLESALE PRICE POSTING (Rule 81).

- (1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the ((delivered)) wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.
- (2) All price postings must be received by the board not later than the fifteenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of a price posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the twentieth day of the month in order to become effective on the first day of the next calendar month.
- (3) Filing Date Exception--Whenever the fifteenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.
- (4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.
- (5) Postings shall be submitted upon forms prescribed and furnished by the board, and shall set forth:
 - (a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in ((Regulation-466)) WAC 314-24-080 (Rule 66).
 - (b) The ((delivered)) wholesale prices thereof within the state, which prices shall include the state wine gallonage tax of seventy-five cents per gallon imposed under RCW 66.24.210.
- (6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.
- (7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.
- (8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.
- (9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with ((Regulation-482)) WAC 314-24-200 (Rule 82), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect

immediately: PROVIDED, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with ((Regulation--(82))) WAC 314-24-200 (Rule 82).

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) ((A-retail-licensee, at his option, and upon payment of the posted delivered price as defined in Regulation--(81)), may take delivery of wine at the platform of a wine wholesaler, provided that such platform delivery shall be made only upon presentation to the wine wholesaler, at the time of such delivery, of a special identification card issued by the board to the retail licensee. Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board of an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of wine, and the name of the adult person or persons authorized by the retail licensee to take delivery of said wine. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of wine to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.)) Any wine wholesaler or employee authorized by his wholesaler employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

ATTACHMENT B

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-070 OUTDOOR ADVERTISING. (Rule 122). (1) "Outdoor advertising" as used in these regulations shall include any form of advertisement of liquor or the service of liquor which is visible to the general public from a public thoroughfare; PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple-faced, stationary or revolving; PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in ~~((these regulations))~~ WAC 314-52-113 (Rule 126.3).

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee or applicant for board consideration prior to installation; PROVIDED, HOWEVER, That outdoor readerboard messages and/or interior signs visible through a window of a premises will be in conformance with WAC 314-52-015 (Rule 116.5) and will be submitted to the local Liquor Control Board enforcement officer for approval prior to display. In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, playfields used primarily by minors, or other public institutions, nor any place which the board in its discretion finds contrary to the public interest; PROVIDED, HOWEVER, That exceptions approved under the provision of RCW 66.24.010(9) shall apply here.

(6) Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public, upon prior approval of the board.

(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail; except that brand signs may be placed in a simulated window aperture and installed in or on the exterior wall of such licensed premises, or, where the licensed premises (other than Class H) occupies a part or all of the first floor of a multi-storied building, then a billboard or poster-type ad(s) for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance: PROVIDED, HOWEVER, That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-080 NOVELTY ADVERTISING. ~~((PROHIBITED))~~ (Rule 123). ~~((No-liquor-trade-name-or-the-name-of-a-manufacturer-of-any-liquor shall-be-used-in-connection-with-any-novelty-advertising-for-use, sale-or-distribution-on-retail-licensed-premises--Such))~~ (1) Novelty

advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, coupons, recipe booklets, lamp shades, program folders, program cards, or similar ~~((articles))~~ items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted. ~~((The foregoing shall not prohibit a retail licensee from listing the brand names and prices of liquor he serves on menus, table tents, and upon a sign placed on or above the back bar as permitted by WAC 314-52-111.))~~

(2) No manufacturer, wholesaler, or importer, or employee thereof, shall provide directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept any novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof, except as provided in subsection (3) below.

(3) A manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items, consistent with provisions of RCW 66.28.010, WAC 314-12-140 (Rule 13), WAC 314-52-010 (Rule 116), and at not less than cost, as defined in the Unfair Practices Act, chapter 19.90 RCW. The purchase shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALERS ~~((OR-MANUFACTURER))~~, PROHIBITED. (Rule 124). (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler, nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: PROVIDED, That a retail licensee(s) may advertise brands of beer and wine under the conditions of WAC 314-52-112 and WAC 314-52-113~~((+1))~~.

(2) ~~((WAC 314-44-020(+4)-and))~~ RCW 66.28.010 shall also apply to joint advertising insofar as ~~((they are))~~ it is relevant.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-111 ADVERTISING BY ~~((CLASS-H))~~ RETAIL LICENSEES--ON PREMISES. (Rule 126.1). All regulations heretofore listed shall ~~((apply to))~~ govern advertising by ~~((CLASS-H))~~ on-premises licensees such as Class A, B, C, D, and H licensees ~~((insofar as they are relevant))~~.

(1) ~~((Since the prerequisite for a Class-H license is the service of complete meals,))~~ Any advertisement by a Class H licensee which makes a direct reference to liquor or to the service of liquor shall mention with equal emphasis that food is available. For the purpose of clarification, use of such words as bar, barroom, drinks and cocktails in an advertisement is interpreted as a direct reference to liquor or the service of liquor; use of such words as dinners, lunches, steak special, seafood dinners, and restaurant ~~((are))~~ is interpreted as a reference to the availability of ~~((complete meals))~~ food.

(2) Filled containers of wine or beer ((may)) shall not be used for display purposes on dining room tables.

(3) Bona fide restaurants holding either a Class C or ((public)) Class H license may display wine bottles in or near dining rooms of their premises (~~PROVIDED, That no fewer than two brands of wine secured from no fewer than two manufacturers may be displayed. For the purpose of clarification, two or more brands from the same manufacturer will not be considered as meeting the foregoing requirement~~)).

with the retail licenses have none adopted
(4) ((Bona fide restaurants holding either a Class C or a public Class H license)) On premises licensees may advertise on premises the brands ((name)) of ~~((wines sold in carafes or by the glass))~~ liquors offered for sale on menus, wine lists, back bar signs, wall placards, and table tents ((?)) ; provided said advertising material is ~~designed for and paid for by said retail licensee~~ *there* ~~((PROVIDED, HOWEVER, when the name of a manufacturer, importer or wholesaler appears as part of the advertising, the retailer shall retain supplier invoices marked "paid" on premises for two years to show proof of purchase by the retailer))~~.

(5) ((Signs may be placed on or above the back bar listing the brands of spirituous liquors being served when no specific brand is ordered by the customer. Such signs, if used, shall be furnished by the licensee.

(6)) One ((single-faced)) sign bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrance(s) to the premises or placed so as to be visible from the principal thoroughfare. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only. ((No advertisements shall be installed at or near doorways designed for exit purposes only.))

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-113 ((RETAIL LICENSEES, OTHER THAN CLASS H))
BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES.
(Rule 126.3). ((Retailer brand signs and point-of-sale displays shall be permissible under the following conditions:

(1) ~~Manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the provisions of RCW 66.28-010 and WAC 314-12-140, PROVIDED, The brand signs and point-of-sale material have no value to the retailer except as advertisement. Such signs and material shall remain the property of and be the responsibility of, the manufacturers, importers or wholesalers and shall be removed from the licensed premises when replaced by other brand signs and/or point-of-sale material, the sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.~~) Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 (Rule 124) and WAC 314-12-140 (Rule 13), manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers; such signs and material shall be removed from the licensed premises when sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.

retail

(2) No licensee shall put or keep on display in any place on the licensed premises any signs or point-of-sale material advertising ~~((beer, ale and/or wine))~~ alcoholic beverages unless the ~~((beers, ales and/or wines))~~ alcoholic beverages so advertised are actually then available for sale on such premises; PROVIDED, That this restriction shall not apply when ~~((beer, ale or wine))~~ alcoholic beverage stocks are temporarily depleted.

(3) The term "display" as used herein, shall mean the exhibition of beer, ale or wine containers and cases, or bottles or cans outside of cases, together with advertising material, the purpose of which is to advertise such products to the prospective purchasers on the premises.

(4) The term "case display" as used herein, shall mean beer, ale or wine in cartons or cases only. A handi-pack is included in the term "carton."

resipes
(5) The term "point-of-sale material" as used herein, shall ~~((mean))~~ include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, display bins, decal-comanias, price cards, shelf strips, ~~product information booklets,~~ *panflets* bottle hangers and ~~((any))~~ other ~~((type-of))~~ such brand advertising material for display at the point of sale ~~((material not specifically listed herein))~~.

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G ~~((7))~~ OR J ~~((OR-K))~~ RETAIL LICENSES. (Rule 126.6). (1) Advertising by holders of Special Occasion Class G ~~((7))~~ or J ~~((OR-K))~~ Retail Licenses who use public facilities or licensed club facilities, under the provisions of WAC 314-40-080(3), for charitable, civic, community or private functions, shall be limited to the sale or service of such liquor as is authorized for sale by the Special Occasion Retail License held and shall be ~~((limited))~~ governed by such other regulations ~~((as apply))~~ applicable to ~~((other))~~ retail licensees.

(2) Illegal advertising at any time during the past five years, while holding a Special Occasion Retail License, may be cited as sufficient reason to deny a subsequent application for a license by a charitable, civic, community or private organization.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

WASHINGTON STATE LIQUOR CONTROL BOARD

Olympia, Washington 98504

December 14, 1977

FOR IMMEDIATE RELEASE

PUBLIC HEARING - 12-39

BEER AND WINE WHOLESALE PRICE POSTING--ADVERTISING RULES

The State Liquor Control Board announced today it will consider proposed amendments to its beer, wine and advertising regulations at a public hearing beginning at 9:30 a.m., January 10, 1978, in the Board conference room, fifth floor, Capital Plaza Building.

The proposed amendments to the beer and wine regulations would permit wholesalers and retailers to decide, themselves, whether a retailer's purchase of beer and wine shall be delivered to the retailer, or be picked up by the retailer at the wholesaler's place of business.

Under present regulations, the beer and wine must be delivered by the wholesaler to the retailer's place of business, except in those instances where the retailer has obtained a dock permit to pick up his merchandise at the wholesaler's dock. The proposed change would eliminate the dock permit, as such, but require the retailer to display a special permit, authorizing him to purchase beer or wine at wholesale, whenever he purchases such merchandise.

The proposed changes in advertising regulations would liberalize some of the existing rules, particularly those governing novelty advertising items and point-of-sale advertising.

Under the proposed changes, novelty advertising such as lighters, pencils and other items could be sold by manufacturers or wholesalers to retail licensees for the retailers' use, resale or distribution on the licensed premises. Under present regulations, retailers are prohibited from use, sale or distribution of such items on the licensed premises.

The change in point-of-sale regulations would permit manufacturers and wholesalers to furnish table tents, product information booklets and other advertising material to retailers for display at the point of sale, providing such material has no value to the retailer, except as brand advertisement, and providing there is no joint advertising, listing the names of the manufacturer or wholesaler and the retailer on the point-of-sale advertisements.

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(Editor's Note: Proposed amendments are attached.)

Resp to Costco RFP
3941

TX481-023

ATTACHMENT A

AMENDATORY SECTION

WAC 314-20-100 BEER WHOLESALE PRICE POSTING (Rule 49).

(1) Every beer wholesaler shall file with the Board at its office in Olympia a price posting showing the ((delivered)) wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) No price posting shall become effective until fifteen days after the actual filing thereof with the board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.

(3) Each price posting shall be made on a form prepared and furnished by the board and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The ((delivered)) wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(4) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(5) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(6) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(7) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with ((Regulation-(49-5))) WAC 314-20-105 (Rule 49.5), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and ((Regulation-(49-5))) WAC 314-20-105 (Rule 49.5).

(8) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(9) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(10) ~~((A retail licensee at his option and upon payment of the posted delivered price as defined in Regulation (49), may take delivery of beer at the platform of a beer wholesaler, provided that such platform delivery shall be made only upon presentation to the beer wholesaler, at the time such delivery, of a special identification card issued by the board to the retail licensee.~~

~~Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board an annual fee of five dollars for each such special identification card. -- Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of beer, and the name of the adult person or persons authorized by the retail licensee to take delivery of said beer. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. -- No wholesaler shall permit delivery of beer to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. -- Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.))~~ Any beer wholesaler or employee authorized by his wholesaler-employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

~~(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.~~

101

AMENDATORY SECTION

WAC 314-24-190 WINE WHOLESALE PRICE POSTING (Rule 81).

(1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the ~~((delivered))~~ wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the fifteenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of a price posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the twentieth day of the month in order to become effective on the first day of the next calendar month.

(3) Filing Date Exception--Whenever the fifteenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in ~~((Regulation-466))~~ WAC 314-24-080 (Rule 66).

(b) The ~~((delivered))~~ wholesale prices thereof within the state, which prices shall include the state wine gallonage tax of seventy-five cents per gallon imposed under RCW 66.24.210.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with ~~((Regulation-482))~~ WAC 314-24-200 (Rule 82), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect

immediately: PROVIDED, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with ((Regulation-(82))) WAC 314-24-200 (Rule 82).

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) ((A retail licensee, at his option, and upon payment of the posted delivered price as defined in Regulation-(81)), may take delivery of wine at the platform of a wine wholesaler, provided that such platform delivery shall be made only upon presentation to the wine wholesaler, at the time of such delivery, of a special identification card issued by the board to the retail licensee.

Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board of an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of wine, and the name of the adult person or persons authorized by the retail licensee to take delivery of said wine. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of wine to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.)) Any wine wholesaler or employee authorized by his wholesaler employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION

WAC 314-52-070 OUTDOOR ADVERTISING. (Rule 122). (1) "Outdoor advertising" as used in these regulations shall include any form of advertisement of liquor or the service of liquor which is visible to the general public from a public thoroughfare; PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple-faced, stationary or revolving; PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in ~~((these regulations))~~ WAC 314-52-113 (Rule 126.3).

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee or applicant for board consideration prior to installation; PROVIDED, HOWEVER, That outdoor readerboard messages and/or interior signs visible through a window of a premises will be in conformance with WAC 314-52-015 (Rule 116.5) and will be submitted to the local Liquor Control Board enforcement officer for approval prior to display. In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, playfields used primarily by minors, or other public institutions, nor any place which the board in its discretion finds contrary to the public interest; PROVIDED, HOWEVER, That exceptions approved under the provision of RCW 66.24.010(9) shall apply here.

(6) Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public, upon prior approval of the board.

(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail; except that ~~brand signs may be placed in a simulated window aperture and installed in or on the exterior wall of such licensed premises, or, where the licensed premises (other than Class H) occupies a part or all of the first floor of a multi-storied building, then a billboard or poster-type ad(s) for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance: PROVIDED, HOWEVER, That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises.~~

AMENDATORY SECTION

WAC 314-52-080 NOVELTY ADVERTISING. ~~((PROHIBITED))~~ (Rule 123). ~~((No liquor trade name or the name of a manufacturer of any liquor shall be used in connection with any novelty advertising for use, sale or distribution on retail licensed premises. Such))~~ (1) Novelty

②
striker
advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, coupons, ~~recipe booklets~~, lamp shades, program folders, program cards, or similar ((articles)) items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted. ~~((The foregoing shall not prohibit a retail licensee from listing the brand names and prices of liquor he serves on menus, table tents, and upon a sign placed on or above the back bar as permitted by WAC 314-52-1112.))~~

③
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⑤
(2) No manufacturer, wholesaler, or importer, or employee thereof, shall provide directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept any novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof, except as provided in subsection (3) below.

⑥
non-liquor
advised
(3) A manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items, consistent with provisions of RCW 66.28.010, WAC 314-12-140 (Rule 13), WAC 314-52-010 (Rule 116), and at not less than cost, as defined in the Unfair Practices Act, chapter 19.90 RCW. The purchase shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

AMENDATORY SECTION

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALERS ((OR-MANUFACTURER)), PROHIBITED. (Rule 124). (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler, nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: PROVIDED, That a retail licensee(s) may advertise brands of beer and wine under the conditions of WAC 314-52-112 and WAC 314-52-113((1)).

(2) ((WAC 314-44-020(4)-and)) RCW 66.28.010 shall also apply to joint advertising insofar as ((they-are)) it is relevant.

AMENDATORY SECTION

⑦
reinstate
WAC 314-52-111 ADVERTISING BY ((CLASS-H)) RETAIL LICENSEES--ON PREMISES. (Rule 126.1). All regulations heretofore listed shall apply to advertising ((by-Class-H)) on-premises by Classes A, B, C, D, and H licensees ((insofar-as-they-are-relevant)).

⑧
reinstate =
(1) ~~((Since the prerequisite for a Class H license is the service of complete meals))~~ Any advertisement by a Class H licensee which makes a direct reference to liquor or to the service of liquor shall mention with equal emphasis that food is available. For the purpose of clarification, use of such words as bar, barroom, drinks and cocktails in an advertisement is interpreted as a direct reference to liquor or the service of liquor; use of such words as dinners, lunches, steak special, seafood dinners, and restaurant ((are)) is interpreted as a reference to the availability of ((complete-meals)) food.

(2) Filled containers of wine or beer ((may)) shall not be used for display purposes on dining room tables.

(3) Bona fide restaurants holding either a Class C or ((public)) Class-H license may display wine bottles in or near dining rooms of their premises ((-PROVIDED, That no fewer than two brands of wine secured from no fewer than two manufacturers may be displayed--For the purpose of clarification, two or more brands from the same manufacturer will not be considered as meeting the foregoing requirement)).

Retail
with the retail licensee's trade name
is not
(4) ((Bona fide restaurants holding either a Class C or a public Class-H license)) on premises, licensees may advertise on their premises, the brands ((name)) of ((wines sold in carafes or by the glass)) liquors offered for sale on menus, wine lists, back bar signs, wall placards, and table tents ((-)) designed for a specific retail licensee and provided such ads are paid for by said licensee ((PROVIDED, HOWEVER, When the name of a manufacturer, importer or wholesaler appears as part of the advertising, the retailer shall retain supplier invoices marked "paid" on premises for two years to show proof of purchase by the retailer)).

(5) ((Signs may be placed on or above the back bar listing the brands of spirituous liquors being served when no specific brand is ordered by the customer--Such signs, if used, shall be furnished by the licensee.

(6)) One ((single-faced)) sign bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrance(s) to the premises or placed so as to be visible from the principal thoroughfare. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only. ((No advertisements shall be installed at or near doorways designed for exit purposes only.))

AMENDATORY SECTION

WAC 314-52-113 ((RETAIL LICENSEES, OTHER THAN CLASS-H))
BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES.
(Rule 126.3). ((Retailer brand signs and point-of-sale displays shall be permissible under the following conditions:

(1) --Manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the provisions of RCW 66.28-010 and WAC 314-12-140, PROVIDED, The brand signs and point-of-sale material have no value to the retailer except as advertisement. Such signs and material shall remain the property of and be the responsibility of, the manufacturers, importers or wholesalers and shall be removed from the licensed premises when replaced by other brand signs and/or point-of-sale material, the sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.) Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 (Rule 124) and WAC 314-12-140 (Rule 13), manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers; such signs and material shall be removed from the licensed premises when sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.

(2) No licensee shall put or keep on display in any place on the licensed premises any signs or point-of-sale material advertising ~~((beer, ale and/or wine))~~ alcoholic beverages unless the ~~((beers, ales and/or wines))~~ alcoholic beverages so advertised are actually then available for sale on such premises; PROVIDED, That this restriction shall not apply when ~~((beer, ale or wine))~~ alcoholic beverage stocks are temporarily depleted.

(3) The term "display" as used herein, shall mean the exhibition of beer, ale or wine containers and cases, or bottles or cans outside of cases, together with advertising material, the purpose of which is to advertise such products to the prospective purchasers on the premises.

(4) The term "case display" as used herein, shall mean beer, ale or wine in cartons or cases only. A handi-pack is included in the term "carton."

(5) The term "point-of sale material" as used herein, shall ~~((mean))~~ include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, display bins, decalcomanias, price cards, shelf strips, product information booklets, bottle hangers and ~~((any))~~ other ~~((type-of))~~ such brand advertising material for display at the point of sale ~~((material-not-specifically listed-herein))~~.

AMENDATORY SECTION

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G ~~((7))~~ OR J ~~((or-K))~~ RETAIL LICENSES. (Rule 126.6). (1) Advertising by holders of Special Occasion Class G ~~((7))~~ or J ~~((or-K))~~ Retail Licenses who use public facilities or licensed club facilities, under the provisions of WAC 314-40-080(3), for charitable, civic, community or private functions, shall be limited to the sale or service of such liquor as is authorized for sale by the Special Occasion Retail License held and shall be limited by such regulations as apply to other retail licensees.

(2) Illegal advertising at any time during the past five years, while holding a Special Occasion License, may be cited as sufficient reason to deny a subsequent application for a license by a charitable, civic, community or private organization.

NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES

(Instructions for completion on back of page)
(Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030,
that the Washington State Liquor Control Board
(name of agency)
intends to adopt, amend, or repeal rules concerning:

WAC 314-20-100 BEER WHOLESALE PRICE POSTING (Rule 49)

WAC 314-24-190 WINE WHOLESALE PRICE POSTING (Rule 81)

The terms and substance of the above proposed amended rules
are set forth on Attachment A.

(OVER)

(HEARING DATE AND PLACE)		
(2) (Use only if hearing is to be held) that such agency will at		
9:30 a.m.	Tuesday	January 10, 1978
(time)	(day)	(date)
in the <u>Office of the Liquor Control Board, 5th Floor, Capitol Plaza Bldg.</u>		
<u>1025 East Union Avenue,</u>	(place)	<u>Olympia, Washington 98504</u>
conduct a hearing relative thereto;		

(3) and that the adoption, amendment, or repeal of such rules will take place at
9:30 a.m. Tuesday January 10, 1978
(time) (day) (date)
in the (Same as above) (place)

(4) The authority under which these rules are proposed is: RCW 66.08.030, RCW 66.08.060,
RCW 66.08.070 and Title 34 of RCW

(5) Interested persons may submit data, views, or arguments to this agency --

(a) ☒ in writing to be received by this agency prior to January 10, 1978 and/or
(date)
(b) ☒ orally at 9:30 a.m. Tuesday January 10, 1978,
(time) (day) (date)
(Same as above) (place)

(6) The additional notice required by RCW 34.04.025 has been made by mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings.

(7) This notice is connected to and continues the matter noticed in Notice Nos. _____
filed with the code reviser's office on _____ (date)

Washington State
Liquor Control Board
(AGENCY)
Dated: December 13, 1977
By: L. H. PEDERSEN
Chairman
(TITLE)

STATE OF WASHINGTON	
FILED	
DEC 13 1977	
CODE REVISER'S OFFICE	
DOCKET # _____	FILE # _____
NOTICE # <u>7921</u>	

(Do not write in this space)

N.B.: These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

[Form CR-1: Rev. 12/1/77]

Resp to Costco RFP
3950

TX481-032

INSTRUCTIONS FOR COMPLETION OF FORM CR-1

NOTES:

- ¹Here cite additional statutes (if any) requiring notice by the rule making agency.
- ²Here insert a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved (cf. *State v. Squally*, 78 Wn2d 475, 474 P2d 897).
- ³The statute requires 20 days notice from the distribution date of the register in which this notice will appear, see RCW 34.04.025, 34.04.027, and 34.08. (1977 1st ex.s. c 240 § 3) and WAC 1-12-030(5) and 1-12-035.
- ⁴This date may not be earlier than that noted in³; see RCW 34.04.025 and WAC 1-12-030(5).
- ⁵Use for continuance of matter previously noticed and enter here notice numbers of notice previously returned to you by reviser's office.

This space for additional information.

WAC 314-52-070 OUTDOOR ADVERTISING (Rule 122)

WAC 314-52-080 NOVELTY ADVERTISING (Rule 123)

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALERS, PROHIBITED (Rule 124)

WAC 314-52-111 ADVERTISING BY RETAIL LICENSEES--ON PREMISES (Rule 126.1)

WAC 314-52-113 BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES (Rule 126.3)

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G OR J RETAIL LICENSES (Rule 126.6)

The terms and substance of the above proposed amended advertising rules are set forth on Attachment B.

1961

Resp to Costco RFP

ATTACHMENT A

AMENDATORY SECTION

WAC 314-20-100 BEER WHOLESALE PRICE POSTING (Rule 49).

(1) Every beer wholesaler shall file with the Board at its office in Olympia a price posting showing the ((delivered)) wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) No price posting shall become effective until fifteen days after the actual filing thereof with the board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.

(3) Each price posting shall be made on a form prepared and furnished by the board and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The ((delivered)) wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(4) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(5) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(6) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(7) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with ((Regulation-(49-5))) WAC 314-20-105 (Rule 49.5), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and ((Regulation-(49-5))) WAC 314-20-105 (Rule 49.5).

(8) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(9) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(10) ~~((A retail licensee at his option and upon payment of the posted delivered price as defined in Regulation (49)), may take delivery of beer at the platform of a beer wholesaler, provided that such platform delivery shall be made only upon presentation to the beer wholesaler, at the time such delivery, of a special identification card issued by the board to the retail licensee.~~

~~Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of beer, and the name of the adult person or persons authorized by the retail licensee to take delivery of said beer. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of beer to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.)) Any beer wholesaler or employee authorized by his wholesaler-employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.~~

~~(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.~~

AMENDATORY SECTION

WAC 314-24-190 WINE WHOLESALE PRICE POSTING (Rule 81).

(1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the ~~((delivered))~~ wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the fifteenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of a price posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the twentieth day of the month in order to become effective on the first day of the next calendar month.

(3) Filing Date Exception--Whenever the fifteenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in ~~((Regulation-66))~~ WAC 314-24-080 (Rule 66).

(b) The ~~((delivered))~~ wholesale prices thereof within the state, which prices shall include the state wine gallonage tax of seventy-five cents per gallon imposed under RCW 66.24.210.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with ~~((Regulation-82))~~ WAC 314-24-200 (Rule 82), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect

immediately: PROVIDED, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with ((Regulation-(82))) WAC 314-24-200 (Rule 82).

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) ((A retail licensee, at his option, and upon payment of the posted delivered price as defined in Regulation-(81), may take delivery of wine at the platform of a wine wholesaler, provided that such platform delivery shall be made only upon presentation to the wine wholesaler, at the time of such delivery, of a special identification card issued by the board to the retail licensee.

Such special identification cards shall be in such form as the board may prescribe and shall be issued to a retail licensee upon receipt by the board of such licensee's written request therefor and upon payment by the licensee to the board of an annual fee of five dollars for each such special identification card. Such written request shall list the name and address of the wholesaler or wholesalers at whose platform the retail licensee requests permission to take delivery of wine, and the name of the adult person or persons authorized by the retail licensee to take delivery of said wine. The board shall transmit a duplicate copy of the retail licensee's special identification card to such wholesaler or wholesalers listed by the retail licensee. No wholesaler shall permit delivery of wine to a retail licensee at said wholesaler's platform until the wholesaler has authenticated the special identification card presented by the retail licensee. Such authentication shall be effected by the wholesaler's comparing the special identification card presented by the retail licensee with the duplicate copy of the special identification card transmitted to the wholesaler by the board.)) Any wine wholesaler or employee authorized by his wholesaler employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his licensee.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

ATTACHMENT B

AMENDATORY SECTION

WAC 314-52-070 OUTDOOR ADVERTISING. (Rule 122). (1) "Outdoor advertising" as used in these regulations shall include any form of advertisement of liquor or the service of liquor which is visible to the general public from a public thoroughfare; PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple-faced, stationary or revolving; PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in ~~((these regulations))~~ WAC 314-52-113 (Rule 126.3).

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee or applicant for board consideration prior to installation; PROVIDED, HOWEVER, That outdoor readerboard messages and/or interior signs visible through a window of a premises will be in conformance with WAC 314-52-015 (Rule 116.5) and will be submitted to the local Liquor Control Board enforcement officer for approval prior to display. In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, playfields used primarily by minors, or other public institutions, nor any place which the board in its discretion finds contrary to the public interest; PROVIDED, HOWEVER, That exceptions approved under the provision of RCW 66.24.010(9) shall apply here.

(6) Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public, upon prior approval of the board.

(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail; except that brand signs may be placed in a simulated window aperture and installed in or on the exterior wall of such licensed premises, or, where the licensed premises (other than Class H) occupies a part or all of the first floor of a multi-storied building, then a billboard or poster-type ad(s) for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance: PROVIDED, HOWEVER, That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises.

AMENDATORY SECTION

WAC 314-52-080 NOVELTY ADVERTISING. ((PROHIBITED)) (Rule 123). ~~((No liquor trade name or the name of a manufacturer of any liquor shall be used in connection with any novelty advertising for use, sale or distribution on retail licensed premises.))~~ (1) Novelty

advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, coupons, recipe booklets, lamp shades, program folders, program cards, or similar ~~((articles))~~ items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted. ~~((The foregoing shall not prohibit a retail licensee from listing the brand names and prices of liquor he serves on menus, table tents, and upon a sign placed on or above the back bar as permitted by WAC 314-52-111.))~~

(2) No manufacturer, wholesaler, or importer, or employee thereof, shall provide directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept any novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof, except as provided in subsection (3) below.

(3) A manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items, consistent with provisions of RCW 66.28.010, WAC 314-12-140 (Rule 13), WAC 314-52-010 (Rule 116), and at not less than cost, as defined in the Unfair Practices Act, chapter 19.90 RCW. The purchase shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

AMENDATORY SECTION

WAC 314-52-090 ADVERTISING JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALE ~~((SR-MANUFACTURER))~~, PROHIBITED. (Rule 124). (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler, nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: PROVIDED, That a retail licensee ~~((s))~~ may advertise brands of beer and wine under the conditions of WAC 314-52-112 and WAC 314-52-113 ~~((s))~~.

(2) ~~((WAC 314-44-020(4)-and))~~ RCW 66.28.010 shall also apply to joint advertising insofar as ~~((they are))~~ it is relevant.

AMENDATORY SECTION

WAC 314-52-111 ADVERTISING BY ~~((CLASS-H))~~ RETAIL LICENSEES--ON PREMISES. (Rule 126.1). All regulations heretofore listed shall apply to advertising ~~((by Class-H))~~ on-premises by Classes A, B, C, D, and H licensees ~~((insofar as they are relevant))~~.

(1) ~~((Since the prerequisite for a Class H license is the service of complete meals,))~~ Any advertisement by a Class H licensee which makes a direct reference to liquor or to the service of liquor shall mention with equal emphasis that food is available. For the purpose of clarification, use of such words as bar, barroom, drinks and cocktails in an advertisement is interpreted as a direct reference to liquor or the service of liquor; use of such words as dinners, lunches, steak special, seafood dinners, and restaurant ~~((are))~~ is interpreted as a reference to the availability of ~~((complete meals))~~ food.

(2) Filled containers of wine or beer ((may)) shall not be used for display purposes on dining room tables.

(3) Bona fide restaurants holding either a Class C or ((public)) Class H license may display wine bottles in or near dining rooms of their premises ((+PROVIDED, That no fewer than two brands of wine secured from no fewer than two manufacturers may be displayed. For the purpose of clarification, two or more brands from the same manufacturer will not be considered as meeting the foregoing requirement)).

(4) ((Bona fide restaurants holding either a Class C or a public Class H license)) On-premises licensees may advertise on premises the brands ((name)) of ((wines sold in carafes or by the glass)) liquors offered for sale on menus, wine lists, back bar signs, wall placards, and table tents((?)) designed for a specific retail licensee and provided such ads are paid for by said licensee ((PROVIDED, HOWEVER, When the name of a manufacturer, importer or wholesaler appears as part of the advertising, the retailer shall retain supplier invoices marked "paid" on premises for two years to show proof of purchase by the retailer)).

(5) ((Signs may be placed on or above the back bar listing the brands of spirituous liquors being served when no specific brand is ordered by the customer. Such signs, if used, shall be furnished by the licensee.

(6)) One ((single-faced)) sign bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrance(s) to the premises or placed so as to be visible from the principal thoroughfare. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only. ((No advertisements shall be installed at or near doorways designed for exit purposes only.))

AMENDATORY SECTION

WAC 314-52-113 ((RETAIL LICENSEES, OTHER THAN CLASS-H))
BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES.
(Rule 126.3). ((Retailer brand signs and point-of-sale displays shall be permissible under the following conditions:

((1))--Manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the provisions of RCW 66.28-010 and WAC 314-12-140, PROVIDED, The brand signs and point-of-sale material have no value to the retailer except as advertisement. Such signs and material shall remain the property of and be the responsibility of the manufacturers, importers or wholesalers and shall be removed from the licensed premises when replaced by other brand signs and/or point-of-sale material; the sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.)) Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 (Rule 124) and WAC 314-12-140 (Rule 13), manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

((1)) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers; such signs and material shall be removed from the licensed premises when sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.

(2) No licensee shall put or keep on display in any place on the licensed premises any signs or point-of-sale material advertising ~~((beer, ale and/or wine))~~ alcoholic beverages unless the ~~((beer, ale and/or wine))~~ alcoholic beverages so advertised are actually then available for sale on such premises; PROVIDED, That this restriction shall not apply when ~~((beer, ale or wine))~~ alcoholic beverage stocks are temporarily depleted.

(3) The term "display" as used herein, shall mean the exhibition of beer, ale or wine containers and cases, or bottles or cans outside of cases, together with advertising material, the purpose of which is to advertise such products to the prospective purchasers on the premises.

(4) The term "case display" as used herein, shall mean beer, ale or wine in cartons or cases only. A handi-pack is included in the term "carton."

(5) The term "point-of sale material" as used herein, shall ~~((mean))~~ include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, display bins, decalcomanias, price cards, shelf strips, product information booklets, bottle hangers and ~~((any))~~ other ~~((type-of))~~ such brand advertising material for display at the point of sale ~~((material not specifically listed herein))~~.

AMENDATORY SECTION

WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G ~~((7))~~ OR J ~~((OR-K))~~ RETAIL LICENSES. (Rule 126.6). (1) Advertising by holders of Special Occasion Class G~~((7))~~ or J ~~((or-K))~~ Retail Licenses who use public facilities or licensed club facilities, under the provisions of WAC 314-40-080(3), for charitable, civic, community or private functions, shall be limited to the sale or service of such liquor as is authorized for sale by the Special Occasion Retail License held and shall be limited by such regulations as apply to other retail licensees.

(2) Illegal advertising at any time during the past five years, while holding a Special Occasion License, may be cited as sufficient reason to deny a subsequent application for a license by a charitable, civic, community or private organization.